

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

November 01, 2017

MOTOR CARRIER MATTER

☐

DOCKET NO.

2017-207-E

UTILITIES MATTER

☒

ORDER NO.

2017-691

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2017-207-E - Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent - Staff Presents for Commission Consideration South Carolina Electric & Gas Company's Petition for Rehearing and Reconsideration of Commission Order No. 2017-637.

COMMISSION ACTION:

In Commission Order No. 2017-637, this Commission appointed a Hearing Officer to coordinate discovery in Docket Nos. 2017-207-E and 2017-305-E. We also found, among other things, that the operative facts in the two dockets are similar and that prehearing discovery should be allowed to proceed in Docket No. 2017-207-E, where it was formerly stayed.

South Carolina Electric & Gas Company, SCE&G, has filed a Petition for Rehearing and Reconsideration of our Order, citing several grounds. Among other things, SCE&G alleges that the two dockets before us are overlapping and legally inconsistent, and that litigating them would invite confusion, delay, procedural disputes, and would raise the potential for unnecessary procedural error. Another allegation raised by SCE&G's Petition is that the Commission should not allow discovery to proceed in Docket No. 2017-207-E prior to Commission consideration of SCE&G's issues with the discovery already served on it by other parties to the case in that same docket.

I disagree with the allegations contained in SCE&G's Petition. I still agree with our holding in Order No. 2017-637 that the operative facts in the two dockets before us are similar. I do not believe that litigating the two dockets would lead to the results described by SCE&G. And, further, since the discovery in the present dockets is likely to be long and complex, and substantial issues are before the Commission in these cases, I believe that allowing discovery to proceed in advance of a hearing on the Motion to Dismiss in Docket No. 2017-207-E is reasonable under the present circumstances. Further, the objections to the discovery request found in SCE&G's Petition are premature in light of the specific Commission Regulations that provide for such objections.

Based on those beliefs, I move that SCE&G's Petition for Rehearing and Reconsideration of Order No. 2017-637 be denied.

I would also note that oral arguments have been set for December 12, 2017, on SCE&G's Motion to Dismiss in Docket No. 2017-305-E, and that a briefing schedule has been established. Likewise, I would move that we direct Staff to set up times for briefing and oral arguments on SCE&G's Motion to Dismiss in Docket 2017-207-E, so that the two dockets will be in the same procedural posture.

PRESIDING: WhitfieldSESSION: RegularTIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Commission Business

HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RANDALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(SEAL)



RECORDED BY: J. Schmieding